



# City of Pflugerville

## Minutes - Final

### City Council

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Tuesday, September 28, 2021

7:00 PM

100 East Main Street, Suite 500

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#### Regular Meeting

The City Council is scheduled to hold a Worksession starting at 6:00 p.m. Please see the Worksession agenda for a list of items for discussion at the Worksession.

#### 1. Call to order

Mayor Gonzales called the meeting to order at 7:01pm. Councilmembers Doug Weiss, Ceasar Ruiz, Rudy Metayer, Mike Heath, and David Rogers were in attendance. Mayor Pro Tem Omar Peña was not in attendance.

City staff in attendance: Sereniah Breland, City Manager; Trey Fletcher, Deputy City Manager; James Hartshorn, Assistant City Manager; Amy Giannini, Assistant City Manager; Charles Zech, City Attorney; Trista Evans, City Secretary; Jennifer Coffey Griswold, Library Director; Terri Toledo, Communications Director; Maggie Holman, Public Information Officer; Emily Barron, Planning and Development Services Director; Melissa Moore, Finance Director; Police Chief Jason O'Malley; Assistant Police Chief Jason Smith; Brandon Pritchett, Public Utility Director; Cody Collins, Information Technology Director; Bradley Marshall, Construction Manager; Jeremy Frazzell, Assistant Planning Director.

#### 2. Opening

##### A. Pledge of Allegiance to the Flag of the United States of America

Mayor Gonzales led those in attendance in reciting the Pledge of Allegiance to the Flag of the United States of America.

##### B. Pledge of Allegiance to the Texas State Flag

Mayor Gonzales led those in attendance in reciting the Pledge of Allegiance to the Texas State Flag.

##### C. Moment of Silence

Mayor Gonzales observed a moment of silence.

#### 3. Items of Community Interest

Mayor Gonzales stated the Pflugerville Library is offering a vaccine clinic on Wednesdays from 2-7pm with Austin Public Health.

Mayor Gonzales stated that volunteers are wanted for this year's Deutschen Pfest October 15-17 and information can be found at [deutschenpfest.com](http://deutschenpfest.com).

Mayor Gonzales stated that the city is accepting applications for the Youth Advisory Council which runs from October 2021 to May 2022 and provided information about the program.

Mr. Metayer commended St. Elizabeth of Hungary for their event stating they did an excellent job holding an event during a pandemic.

#### 4. Presentation

- 4A. [2021-0988](#) Mayor's proclamation declaring September 15, 2021 to October 15, 2021 as Hispanic Heritage Month in the City of Pflugerville.

Mayor Gonzales read the proclamation and presented it to Julia Ruiz.

- 4B. [2021-0773](#) Mayor's proclamation declaring Tuesday, October 5, 2021 as National Night Out in the City of Pflugerville.

Mayor Gonzales read the proclamation and presented it to Kaira Tanwar.

- 4C. [2021-1035](#) Mayor's proclamation declaring October 2021 as National Chiropractic Health Month.

Mayor Gonzales read the proclamation and presented it to Lt. Chet Vronka.

- 4D. [2021-1038](#) Legislative update and discussion with Focused Advocacy representatives.

Mayor Gonzales read the item. Mr. Fletcher introduced Curt Seidlits with Focused Advocacy. Mr. Seidlits provided information regarding the special sessions including the highlights of what occurred in the sessions. He detailed the bills of interest at the third special session. Mr. Seidlits answered questions from council regarding redistricting.

#### 5. Public Comment

There were no requests to speak under public comment.

#### 6. Executive Session

Mayor Gonzales read the items for executive session 6A, 6B, 6C, and 6D and announced council was retiring to executive session at 7:42pm.

Mayor Gonzales reconvened in open session at 9:23pm.

- 6A. [2021-1030](#) 1.) Executive Session Item: Discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code regarding performance evaluation and employee agreement of the City Manager. 2.) Open Session Item: Discuss and consider action related to the employee

agreement between Sereniah Breland and the City of Pflugerville.

**Discussion on the item took place in executive session.**

**Mr. Metayer made a motion to approve the agreement as presented. Mr. Weiss seconded the motion. The vote was as follows: Mr. Weiss - yes, Mr. Ruiz - yes, Mayor Gonzales - yes, Mr. Metayer - yes, Mr. Heath - no, Mr. Rogers - yes. The motion carried.**

**6B. [2021-0992](#)**

1.) Executive Session Item: Consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code to seek advice of legal counsel regarding the civil lawsuit Alicia Fitzpatrick v. City of Pflugerville, Cause No. D-1-GN-21-002394; and Alicia Fitzpatrick v. Pflugerville Police Department TWCCRD Charge No. 1B21212 and EEOC Charge No. 31C-2021-01169. 2.) Open Session Item: Discuss and consider action regarding litigation and charge: Alicia Fitzpatrick v. City of Pflugerville, Cause No. D-1-GN-21-002394; and Alicia Fitzpatrick v. Pflugerville Police Department TWCCRD Charge No. 1B21212 and EEOC Charge No. 31C-2021-01169.

**Discussion on the item took place in executive session. No action was taken.**

**6C. [2021-1020](#)**

Executive Session Item: Consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code regarding ordinance to amend the wastewater rates for various special districts.

**Discussion on the item took place in executive session. No action was taken.**

**6D. [2021-1029](#)**

1.) Executive Session Item: Consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code for discussion regarding expansion of Travis County Emergency Services District (ESD) No. 17; legal advice concerning the City's authority and options for the provisions of fire, rescue, and emergency medical services to Pflugerville citizens; Including the litigation in, *In Re City of Pflugerville, Texas, et al.* filed in the Third Court of Appeals and the Texas Supreme Court, and *David Rogers, et al v. Travis County Emergency Services District No. 17, et al* filed in the Travis County Judicial District Court. 2.) Open Session Item: Discuss and consider action regarding the litigation, expansion of Travis County Emergency Services District (ESD) No. 17, or other legal options for providing fire, rescue, and emergency medical services to Pflugerville citizens.

**Discussion on the item took place in executive session.**

**Mr. Weiss made a motion to fully authorize the filing of an appeal and any action in furtherance of the appeal on behalf of the city in the litigation. Mayor Gonzales seconded the motion. All voted in favor.**

## **7. Ordinance First Reading**

- 7A. [ORD-0613](#) Discuss and consider an ordinance on first reading with the caption reading: An Ordinance amending the City's Code of Ordinances establishing a franchise requirement for providing emergency services within the City limits of Pflugerville; Providing for a penalty for violation therefore; and providing for an effective date.

**Mayor Gonzales read the item. Mr. Fletcher presented information regarding franchise agreements and authority. He provided information related to the proposed ordinance. Mr. Weiss moved to approve the ordinance. Mr. Rogers seconded the motion. All voted in favor. The motion carried.**

### Reading of the Consent Agenda

**Ms. Evans read the items in the consent agenda to include the captions of the ordinances under consideration.**

### 8. Ordinance First Reading

- 8A. [ORD-0614](#) Approving an ordinance as amended on first reading with the caption reading: An Ordinance of the City of Pflugerville, Texas amending rates for wastewater customers of all districts identified herein; repealing all ordinances to the extent they are in conflict; providing for severability; and providing an effective date

**The ordinance was approved on first reading on the consent agenda.**

### 9. Ordinances Second Reading

- 9A. [ORD-0596](#) Approving an ordinance on second reading with a caption reading: An Ordinance of the City of Pflugerville, Texas, amending Ordinance No. 1203-15-02-24 of the City of Pflugerville, Texas, as amended, by changing the zoning designation of an approximate 16.759-acre tract of land, roughly 11 tracts of land, out of the Peter Conrad Survey No. 71, Abstract No. 200, in Pflugerville, TX from General Business 2 (GB2) District, General Business 1 (GB1) District, and Light Industrial (LI) District to Single-Family Mixed-Use (SF-MU) District; to be known as the 18516 N Heatherwilde Rezoning (REZ2106-04); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date. Generally located southwest of the New Meister Lane and North Heatherwilde Boulevard intersection.

**The ordinance was approved on second reading on the consent agenda.**

- 9B. [ORD-0603](#) Approving an Ordinance on second reading with the caption reading: An Ordinance of the City of Pflugerville, Texas Granting the use of City Property by Easement totaling approximately 0.055 Acres (2,384 Square Foot) of land out of the T.S. Barnes Survey No.46, Abstract No. 267 in Travis County, Texas; Being a portion of that called 19.00 Acre Tract of

Land Described in Warranty Deed to the City of Pflugerville, Texas Recorded In Volume 9236, Page 962 of the Real Property Records of Travis County, Texas Said 0.055 Acre (2,384 Square Foot) parcel. (Oncor Easement at the Central Wastewater Treatment Plant)

The ordinance was approved on second reading on the consent agenda.

## 10. Approval of Minutes

- 10A. [2021-0995](#) Approval of the minutes of the September 14, 2021 Worksession and Regular Meeting and September 21, 2021 Special Meeting.

The minutes were approved on the consent agenda.

## 11. Other Actions

- 11A. [2021-0965](#) Authorizing the City Manager to approve the purchase of equipment from AVI-SPL LLC in the amount of \$77,210.82 in support of PFTV broadcasting.

The item was approved on the consent agenda.

- 11B. [2021-0996](#) Approving the selection of Halff and Associates, Kimley-Horn and Associates and LJA Engineering to provide professional services for the Traffic Signal Management projects and implementation of the Pflugerville Signal System Assessment and Improvement Plan and authorizing the City Manager to enter into negotiations as needed regarding scopes of work and fee proposals.

The item was approved on the consent agenda.

- 11C. [2021-1000](#) Authorizing the City Manager to award a construction contract for the Colorado River Raw Water Intake Screens to Underwater Construction Corporation in the amount of \$254,756.

The item was approved on the consent agenda.

- 11D. [2021-1007](#) Approving a Boundary Line Agreement and Deed without Warranty and authorizing the City Manager to execute the same regarding Lot 2, First Replat of Lot 2 Pflugerville Industrial Park.

The item was approved on the consent agenda.

## 12. Resolution

- 12A. [RES-0924](#) Approving a Resolution with a caption reading: A Resolution of the City of Pflugerville, Texas accepting Stormwater Facilities Maintenance Covenants, Licenses and Agreements for Lifestyle Communities Pond Maintenance between LC Pflugerville, LLC and the City of Pflugerville.

The resolution was approved on the consent agenda.

### Action on the Consent Agenda

Mr. Heath made a motion to approve the consent agenda. Mr. Metayer seconded the motion. Mr. Weiss was not present for the vote. All others voted in favor. The motion carried.

### Discuss and Consider Action

- 14B. [2021-1001](#) Discuss and consider Amendment No. 1 to an Interlocal Agreement with Capital Metropolitan Transit Authority (CMTA).

Mayor Gonzales moved item 14B. up to be addressed and read the item. Ms. Barron introduced Julie Mazur with Capital Metro. Ms. Mazur reviewed the general information regarding the pilot program and answered questions from council regarding cost per trip, mile, and hour. Ms. Mazur presented information regarding the areas of the trip around the city and the average wait time, ride time, and distance. Mr. Metayer stated there are areas of the city that do not know about the program and more outreach is needed. Mr. Heath stated his concern about the small area of coverage. Mr. Ruiz asked about projections of cost per ride.

Terry Newsom, 12th Street, stated he questions the numbers provided and discussed how it calculates out per month. He discussed the metrics Capital Metro provided. He stated he rode Cap Metro to see what it was like and took a five minute ride. Mr. Newsom stated they missed their metrics and it is an expensive program. He stated the city could buy a bus and define the route and hours.

Mr. Heath made a motion to discontinue the pilot until they have a better plan. Mr. Rogers seconded the motion. The vote was as follows: Mr. Rogers - yes, Mr. Heath - yes, Mr. Metayer - no, Mr. Weiss - no, Mr. Ruiz - yes, Mayor Gonzales - no. The motion failed.

### 13. Resolution

- 13A. [RES-0925](#) Discuss and consider action approving a resolution of the City of Pflugerville Adopting a Strategic Plan 2021-2025.

Mayor Gonzales opened the item for discussion. Ms. Breland provided information on the strategic plan based on the previous discussions with Blake Alexander. Mr. Heath asked what the next steps from staff would be once adopted. Ms. Breland stated there are action items listed for staff to take moving forward. Discussion followed regarding the action items including a timeline. Ms. Breland proposed a series of worksessions to mature some of the items and discuss the process. Mr. Heath stated he wanted information on who would take ownership of the items and a budgetary estimate. Mr. Weiss asked for a strike through of "industrial" in section 2.a.iii. There was consensus. Mr. Metayer made a motion to approve. Mr. Rogers seconded the motion. All voted in favor. The motion carried.

**14. Discuss and consider action**

- 14A.** [2021-0864](#) Discuss and consider action to award a construction contract for the Highland Park Wastewater Interceptor Project to D Guerra Construction the lowest responsible bidder of five (5) bids received on August 26, 2021, in the amount of \$2,168,090 and authorizing the City Manager to execute same.

**Mayor Gonzales opened the item for discussion. Mr. Marshall gave a presentation about the Highland Park Wastewater Interceptor project and the bids received. Ian Clemens with Kimley Horn provided additional information about the project and bids and answered questions from council. Mr. Metayer made a motion to approve the item. Mr. Heath seconded the motion. All voted in favor. The motion carried.**

- 14C.** [2021-0931](#) Discuss and consider action regarding a proposal from Alpha Building Corporation for \$79,187.54 for removal of tenant improvements at the Development Services Center and authorizing the City Manager to execute necessary documents.

**Mayor Gonzales opened the item for discussion. Mr. Fletcher provided information stating a letter was received from Travis County ESD2 stating they wanted the area back in original condition. Mr. Fletcher answered questions from council and provided detail on what areas would need to be changed. Mr. Metayer moved to approve the item. Mayor Gonzales seconded the motion. The vote was as follows: Mr. Rogers - no, Mr. Heath - yes, Mr. Metayer - yes, Mayor Gonzales - yes, Mr. Ruiz - no, Mr. Weiss - yes. The motion carried.**

- 14D.** [2021-0993](#) Discuss and consider authorizing the City Manager to purchase an emergency power generator and related switchgear for the Surface Water Treatment Plant Emergency Generator to Cummins Southern Plains, LLC in the amount of \$2,175,930.

**Mayor Gonzales opened the item for discussion. Mr. Pritchett gave a presentation regarding the water system generators and answered questions from council. Mr. Metayer made a motion to approve the item. Mr. Ruiz seconded. Mr. Heath asked about the cost impact considering the speed at which it is being done. Mr. Pritchett stated it is on track and the biggest factor is material cost. All voted in favor.**

- 14E.** [2021-1046](#) Discuss and consider action regarding Deutschen Pfest Safety Protocols.

**This item was addressed under the Supplemental Agenda Item.**

**Supplemental Agenda**

- [2021-1048](#) Discuss and consider action regarding Deutschen Pfest Safety Protocols and possible cancellation.

**Mayor Gonzales opened the item for discussion. Mr. Mize provided information**

regarding the safety protocols for Deutschen Pfest and answered questions from council. Mr. Mize stated that volunteer numbers were low, but volunteers do not always sign up early. Discussion followed regarding if the kid's fun run could come back based on the stage. Mr. Weiss called for council to sign up for volunteer positions. No action was taken.

## 15. Discuss Only

15A. [2021-1034](#) Discussion regarding a small business program.

Mr. Ruiz stated that while the city was waiting for guidance from ARPA he wanted a discussion with council about ways to help small businesses in the city. Mr. Heath stated he wanted to make sure any assistance is helpful and effective. Mr. Ruiz stated he wanted the city to be able to set the parameters. Mayor Gonzales asked Raquel Valdez Sanchez with BCL if they have received any guidance related to ARPA. Ms. Valdez Sanchez stated they have not and they are following the threads of other communities who are doing small grant programs. Ms. Valdez Sanchez answered questions from council regarding audit requirements and provided detail about the previous program requirements. Discussion followed regarding closing businesses. Ms. Valdez Sanchez provided information about options for the grants qualifications and how parameters can be defined and answered questions from council.

15B. [2021-1032](#) Executive Session Item: Consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code to receive legal guidance on zoning decisions.

This item was addressed in the previously scheduled worksession.

15C. [2021-1017](#) Executive Session Item: Deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code regarding a proposed Pflugerville Community Development Corporation (PCDC) performance agreement for Project Flex Power.

This item was addressed in the previously scheduled worksession.

15D. [2021-0994](#) Request to place item on future agenda.

Mr. Weiss stated he wanted to discuss expediting 10th Street. Mr. Metayer seconded.

Mr. Rogers stated he wanted to bring back 14B. Discussion followed. Mr. Rogers withdrew the item.

Mr. Heath stated he wanted a discussion about cut through problems and speeding in neighborhoods. Mr. Metayer seconded.

Mr. Heath stated he wanted a discussion regarding bringing back the chipping program. Mr. Metayer seconded.

Mr. Heath stated he wanted a presentation on drainage issues and would like to know what the city is doing to make sure subdivision review is going through appropriately. Mr. Metayer asked if Ms. Breland could meet with them to discuss. Mr. Heath stated he would like a presentation in council. Mr. Rogers seconded.



**16. Adjourn**

**Mayor Gonzales adjourned the meeting at 10:55pm.**

**Respectfully submitted,**

**Trista Evans, City Secretary**

**Approved as submitted on October 12, 2021.**